

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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SKY MEDICAL SUPPLY INC.,

Plaintiff,

-against-

CV 12-6383 (JFB) (AKT)

SCS SUPPORT CLAIM SERVICES, INC., PATIENT FOCUS  
MEDICAL EXAMINATIONS, PC d/b/a ALL BOROUGH  
MEDICAL, PC, NATIONWIDE MANAGEMENT INC., BAB  
MANAGEMENT INC., MANAGEMENT COMPANY A,  
MANAGEMENT COMPANY B, MANAGEMENT  
COMPANY C, MANAGEMENT COMPANY D,  
MANAGEMENT COMPANY E, BENJAMIN OSIASHVILI  
a.k.a VENIAMIN OSIASHVILI, MIKAEL OSIASHVILI a.k.a  
MICHAEL OSIASHVILI, SVETLANA OSIASHVILI,  
ALEKSEY VAYNER a.k.a ALEX VAYNER, EITAN  
DAGAN, MANAGER DEFENDANT A, MANAGER  
DEFENDANT B, MANAGER DEFENDANT C, MANAGER  
DEFENDANT D, MANAGER DEFENDANT E, TATIANA  
SHARAHY, MD, MITCHELL EHRLICH, MD, JOSEPH C.  
COLE, MD, JULIO WESTERBAND, MD, WILLIAM A.  
ROSS, MD, RENAT R. SUKHOV, MD, WILLIAM S.  
KRITZBERG, MD, ROBERT A. SOHN, DC, STANLEY  
ROSS, MD, MITCHELL L. WEISMAN, MD, MARK  
WEBER, MD, GARY J. FLORIO, MD, ANTONIO  
MARTINS, MD, DAMION A. MARTINS, MD, M.S.,  
DANTE BRITTIS, MD, CHRISTOPHER FERRANTE, DC,  
BRIAN FREINDLICH, DC, WAYNE KERNESS, MD,  
DENIS MANN, DC, ANDREW MILLER, MD, ANDREW  
BAZOS, MD, DREW STEIN, MD, LINDA ACKERMAN  
and EVGENIYA VAKIDOVA,

Defendants.

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A. KATHLEEN TOMLINSON, Magistrate Judge:

**ORDER OF APPOINTMENT OF  
AND REFERENCE TO SPECIAL MASTER**

Pursuant to this Court's inherent equitable powers and in accordance with Rule 53 of the  
Federal Rules of Civil Procedure, it is hereby

ORDERED, that CLIFFORD S. ROBERT, ESQ., a member of the bar of this Court, be and hereby is appointed Special Master in this case for the purposes declared herein and to take the actions set forth in accordance with this Order; and it is further

ORDERED, that the Special Master shall have broad plenary powers to take all steps necessary or desirable, pursuant to Fed. R. Civ. P. 53 to:

1. hear, consider and report and recommend on: (A) the disputes involving Plaintiff Sky Medical Supply, Inc., Defendant Nationwide Management, Inc., and third-parties PDB Management NY Inc. and TCMR Management, Inc. as to the four modified Chase subpoenas at issue; and (B) any other discovery dispute(s) outstanding as of the date of this Order;
2. report back to the Court by preparing and transmitting a Report and Recommendation as to the specific recommended disposition of the issues raised; and
3. take such further or additional action that the Court may direct and instruct the Special Master to undertake.

It is further

ORDERED, that the Special Master is to undertake the actions set forth in this Order with all due dispatch, and with the objective of making a final Report and Recommendation back to the Court as to the recommended resolution of these issues within 90 days (or earlier if the purpose of the appointment has been completed ), or to advise the Court of any circumstances which prevent his reporting by that date; and it is further

ORDERED, that the compensation of the Special Master shall be as follows. The Special Master may use law clerks or paralegals at his discretion and shall keep detailed records of his time and expenses. The Special Master shall render detailed monthly bills for all fees and expenses at the same rates ordinarily charged clients for his services, and such bills shall be paid promptly as follows: fifty percent (50%) by Plaintiff Sky Medical Supply, Inc. and fifty percent (50%) by Defendant Nationwide Management, Inc. The monthly bills shall be submitted directly to counsel for the parties who shall take responsibility for prompt payment by their respective clients; the Court declines at this time to hold the two non-parties responsible for a percentage of the Special Master's bills unless the Court finds that either or both of these non-parties are not proceeding in good faith, are obstructing the work of the Special Master, or for some other *bona fide* reason; and it is further

ORDERED, that as the Special Master has requested, the Special Master shall contact the designated parties and non-parties to arrange to receive the materials needed to perform his appointed duties and to schedule a meeting time with counsel for Sky Medical Supply, Inc., Defendant Nationwide Management, Inc., non-party BDB Management NY Inc., and TCMR Management Inc. to the extent the Special Master believes that such a meeting is necessary. For mailing purposes, the parties should use the following address for any submissions to the Special Master: Robert & Robert , PLLC , 526 RXR Plaza, Uniondale, NY 11556. The office phone number for the Special Master is 516-832-7000; and it is further

ORDERED, that Plaintiff's counsel shall serve a copy of this Order forthwith upon counsel for non-parties BDB Management NY Inc., and TCMR Management Inc., and shall file proof of such service on ECF no later than July 6, 2018.

**SO ORDERED.**

Dated: Central Islip, New York  
July 1, 2018

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge